

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Phil Fountain, Assistant Director, Bureau of Licensing,  
 Division of Agent and Agency Services, Department of  
 Financial Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Nancy Rowell, Director, Bureau of  
 Licensing, Division of Agent and Agency Services,  
 Department of Financial Services  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: August 6, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: August 10, 2007

agency at least five days before the workshop/meeting by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
 Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 RULE NOS.:                   RULE TITLES:  
 62-610.451                   Minimum System Size  
 62-610.800                   Permitting Requirements  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

- 62-610.451 Minimum System Size.
  - (1) Except as provided in subsection 62-610.451(2), F.A.C., no treatment facility with a design average daily flow of less than 0.1 mgd shall have the produced reclaimed water made available for reuse activities covered by Part III (Rules 62-610.450 through 62-610.491, F.A.C.) of this chapter.

**DEPARTMENT OF MANAGEMENT SERVICES**  
**Personnel Management System**  
 RULE NO.:                   RULE TITLE:  
 60L-35.003                   Minimum Requirements  
 NOTICE OF WITHDRAWAL  
 Notice is hereby given that the above rule, as noticed in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly has been withdrawn.

- (2) through (3) No change.
- 62-610.800 Permitting Requirements.
  - (1) through (12) No change.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Construction Industry Licensing Board**  
 RULE NO.:                   RULE TITLE:  
 61G4-15.033                   Marine Specialty Contractor  
 NOTICE OF PUBLIC HEARING  
 The Construction Industry Licensing Board announces a hearing regarding the above rule, as noticed in Vol. 33, No. 27, July 6, 2007 Florida Administrative Weekly.  
 DATE AND TIME: Wednesday, October 10, 2007, 2:00 p.m., or as soon thereafter as can be heard.  
 PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, Florida 32202  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of the rule.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

(13) The Department encourages utilities implementing reuse projects to meter and charge for the use of reclaimed water as described in Section 403.064(16), F.S. Utilities implementing reuse projects are encouraged, except in the case of use by electric utilities as defined in Section 366.02(2), Florida Statutes, to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this rule shall include a summary of its metering and rate structure as part of its annual reuse report to the Department.

- (14) No change.

**DEPARTMENT OF HEALTH**

RULE NOS.:	RULE TITLES:
64-3.010	Definitions
64-3.020	Eligibility Criteria for Special Needs Shelters
64-3.030	Guidelines for Special Needs Shelter Staffing Levels
64-3.040	Definition of Special Needs Shelter Supplies and Equipment
64-3.050	Special Needs Shelter Registration
64-3.060	Addressing the Needs of Families
64-3.070	Pre-event Planning Activities
64-3.080	Service Reimbursement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

64-3.010 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner.

(1) A “person with special needs” means is someone, who during periods of evacuation or emergency, requires sheltering assistance, due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities, ~~that exceeds the basic level of care provided at a general population shelter, but does not require the level of care provided at a skilled medical facility. A person with special needs is not a person residing in a facility required by state law to have an evacuation and emergency management plan for natural and man-made disasters.~~

(2) “Backup generator power” means a system to provide electricity during a power failure sufficient to support life sustaining equipment for the anticipated demand upon the Special Need Shelter.

(3) “Basic first aid” means emergency treatment administered to an injured or sick person before professional medical care is available.

(4)(2) “Caregiver” means A caregiver is an individual who is familiar with the unique medical and other daily care requirements of the person with special needs, is able to provide the capable of providing level of care necessary to maintain the health of the person with special needs and has been identified by the person with special needs to be his or her caregiver.

(5) “Emergency” is defined in Section 252.34(3), Florida Statutes.

(6) “Evacuation” means any mandatory or voluntary order to vacate homes or businesses under Chapter 252, Florida Statutes.

(7) “General Population Shelters” means shelters activated during a sheltering event not dedicated to persons with special needs.

(8) “Pre-event” means before the sheltering event.

(9) “Sheltering Event” means any event in which shelters are activated under Chapter 252, Florida Statutes.

~~(10)(13) “Special needs shelters” means are~~ locations that are, in whole or in part, designated under Chapter 252, Florida Statutes, to in pre-event planning activities as refuges that provide shelter and services to persons with special needs who have no other option for sheltering. These shelters are designated to have back-up generator power. Special needs shelter services are ~~to provided in an austere environment, with the intent of minimizing deterioration of pre-disaster event levels of health.~~

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New \_\_\_\_\_

64-3.020 Eligibility Criteria for Special Needs Shelters.

(1) A person shall be eligible for access to a special needs shelter if:

(a) They are a person with special needs;

(b) Their care needs exceed basic first aid provided at General Population Shelters; and

(c) Their impairments or disabilities;

(i) are medically stable; and

(ii) do not exceed the capacity, staffing and equipment of the special need shelter to minimize deterioration of their pre-event level of health.

(2) Special needs shelters may choose to accept persons with care needs that exceed the criteria stated in subsection (1), 64-3.010(1).

(3) Determination as to the capacity (either in skills or assets) of the special needs shelter is made by the local emergency management agency and the county health department or their designees.

~~(4) Every reasonable effort shall be made to avoid admitting a person with a known communicable condition or a condition that requires airborne precautions.~~

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New \_\_\_\_\_.

64-3.030 Guidelines for Special Needs Shelter Staffing Levels.

(1) The following is a guideline for special needs shelter staffing:

(a) Each special needs shelter should be staffed at a minimum with one registered nurse or advanced registered nurse practitioner on every shift during the sheltering event.

(b) The special needs shelter may be additionally staffed with one or more licensed medical practitioners per 20 persons with special needs per shift during the sheltering event.

(c) The special needs shelter may be additionally staffed with one or more persons not falling under paragraph (a) or (b) ~~unlicensed person~~ per 20 persons with special needs per shift during the sheltering event.

(2) Staffing levels may require adjustment as the sheltering event progresses, ~~the overall health status of persons with special needs changes or the availability of caregivers and other volunteers changes warrants. Variables may include the stage of the sheltering event, acuity of the persons with special needs, presence of caregivers, or availability of volunteers.~~

Specific Authority 381.0303(6)(c) FS. Law Implemented 381.0303(6)(c) FS. History–New \_\_\_\_\_.

64-3.040 Definition of Special Needs Shelter Supplies and Equipment.

(1) Special needs shelter supplies and equipment are the items necessary to provide services in a special needs shelter during an evacuation or emergency to minimize deterioration of the person's ~~pre-event disaster~~ levels of health.

~~(2) The Department of Health maintains a list of recommended special needs shelter supplies and equipment. The list may be requested from the Department of Health, Office of Public Health Nursing, 4052 Bald Cypress Way, Bin #C27, Tallahassee, FL 32399-1711.~~

~~(2)(3)~~ The person with special needs or his or her home medical equipment provider will be required to ensure all life sustaining or life supporting equipment is available ~~for that person~~ at the special needs shelter in accordance with Section 400.925(13) and Section 400.934(20)(a)1., F.S.

Specific Authority 381.0303(6)(d) FS. Law Implemented 381.0303(6)(d) FS. History–New \_\_\_\_\_.

64-3.050 Special Needs Shelter Registration.

(1) ~~Those required by 252.355(1) to The entity registering~~ a person with special needs for access to the special needs shelter ~~shall will~~ gather ~~the following~~ information on the person with special needs. ~~The information items gathered will be used for pre-event planning and will include but not be limited to the following:~~

- (a) Full name.
- (b) Phone number and street address including the city and zip code.
- ~~(c)(e)~~ Height and weight.
- ~~(d)(f)~~ Primary language.
- ~~(e)(g)~~ Emergency contact information for a local and non-local emergency point of contact including the name, relationship, and phone number.
- ~~(f)(h)~~ Residence type and living situation, whether alone or with a relative or caregiver.

~~(g)(i)~~ Any type of medical dependence on electricity, such as oxygen concentrator, nebulizer, feeding pump, continuous positive airway pressure equipment, suction equipment, or medication requiring refrigeration.

~~(h)(j)~~ Any type of medical dependence on oxygen, including the type, rate, and mode of administration.

~~(i)(k)~~ Any assistance required with medications.

~~(j)(l)~~ Any cognitive impairment, mental health problems, psychiatric, or personality disorder such as Alzheimer's disease, dementia, obsessive compulsive disorder, autism, conduct disorder, anxiety, or depression.

~~(k)(m)~~ Any sensory loss or impairment and any related assistive device.

~~(l)(n)~~ Any mobility impairment and any related assistive device.

~~(m)(o)~~ Any use of a trained service animal.

~~(n)(p)~~ Any type of incontinence.

~~(o)(q)~~ Any dependence on dialysis.

~~(p)(r)~~ Name and contact information for any other medical support providers, such as home health agency, hospice, nurse registry, home medical equipment provider, and dialysis center.

~~(q)(s)~~ A list of all medical conditions.

~~(r)(t)~~ A list of all medications.

~~(s)(u)~~ Any transportation needs.

(2) The registry application information ~~collected under (1) shall be provided at least annually by the local emergency management agency to of all persons with special needs will be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter at pre-determined intervals established jointly by the county emergency management agency and the county health department or the agency with the responsibility for the management of care in the special needs shelter.~~

(3) The county health department or the agency with the responsibility for the management of care in the special needs shelter ~~shall will~~ review the registry application information to determine if the applicant is appropriate to place in the special needs shelter during an evacuation or emergency. The county emergency management agency will be notified of the determination.

(4) The application information of all persons with special needs who are on the county emergency management agency's special needs shelter list ~~shall will~~ be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter immediately prior to a sheltering event.

(5) Persons with special needs who are unregistered, but who arrive at the special needs shelter during a sheltering event, will be assessed at the activated special needs shelter point of intake, and assessed for appropriate shelter placement, consistent with subsection 64-3.020(1), F.A.C., criteria.

Specific Authority 381.0303(6)(e) FS. Law Implemented 381.0303(6)(e) FS. History–New \_\_\_\_\_.

64-3.060 Addressing the Needs of Families.

(1) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, ~~shall will~~ be allowed to shelter together in the special needs shelter.

(2) A person with special needs, who is also responsible for the care of individuals without special needs, ~~shall will~~ be allowed to shelter in the special needs shelter with the persons for whom he or she is the caregiver.

Specific Authority 381.0303(6)(f) FS. Law Implemented 381.0303(6)(f) FS. History–New \_\_\_\_\_.

64-3.070 Pre-event Planning Activities.

The local emergency management agency ~~shall will~~ be the lead agency in the coordination of integrated and comprehensive special needs shelter planning in cooperation with ~~the county health department, or locally designated ESF 8 Health and Medical lead agency, consistent with Appendix 8 (Health and Medical Services) of the State Comprehensive Emergency Management Plan.~~ The county health department This ~~planning process~~ will seek to include, ~~but not be limited to,~~ the participation of Children’s Medical Services, hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home medical equipment providers, oxygen providers, dialysis centers, and other health and medical emergency preparedness stakeholders in the pre-event planning activities to enhance the safety and well-being of persons with special needs before, during, and after a disaster.

Specific Authority 381.0303(6)(g) FS. Law Implemented 381.0303(6)(g) FS. History–New \_\_\_\_\_.

64-3.080 Service Reimbursement.

(1) Health care practitioners shall make reimbursement requests for services rendered under Section 381.0303(3)(a)1- consistent with Section 381.0303(3)(b), F.S. using the DOH form #DH 1989, 12/06, “Vendor Invoice for Special Needs Health Care Practitioner”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin # B01, Tallahassee, FL 32399-1729.

(2) Vendors shall make reimbursement requests for services rendered under Section 381.0303(3)(a)2. consistent with Section 381.0303(3)(b), F.S. using DOH form #DH 1990, 12/06, “Vendor Invoice for Services Rendered to Special Needs Clients Placed by the Multiagency Special Needs Shelter Discharge Planning Team”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin #B01, Tallahassee, FL 32399-1729. Vendor reimbursement for nursing home and hospitals shall be at the Medicaid rate in effect as referenced in Rule 59G-6.010, F.A.C. and Rule 59G-6.020, F.A.C. Vendors not subject to Medicaid rate reimbursement shall receive the rate for services

~~not exceeding the billed amount the facility received 30 or more days prior to the date of request for placement. Reimbursement shall be at the Medicaid rate in effect the date the service, for which reimbursement is requested by the vendor, is rendered.~~

Specific Authority 381.0303(3)(a)2., 381.0303(6)(b) FS. Law Implemented 381.0303(3)(a)2., 381.0303(3)(b), 381.0303(6)(b) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.0011  
 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly. The Board held a public hearing on this rule on March 2, 2007, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

(2) “ABB” means The American Board of Bioanalysis Bioanalysts.

(5) “Academic Science” means college level courses in the areas of ~~chemistry, biology, physiology, anatomy, microbiology, immunology, medical sciences, genetics, and molecular biology,~~ pursuant to subsection 64B3-2.003(6), F.A.C.

(12) “Medical Technology Training Program” means an ~~ABHES, CAAHEP, CAHEA, NAACLS military or board approved training program for clinical laboratory scientists (CLS) or medical technologists (MT),~~ pursuant to subsections 64B3-2.003(9) and (16), F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE CHANGE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-6.004  
 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly.

The correction is to correct a typographical error. The correction is as follows:

(3)(a) is corrected to read as “Beginning with the Biennium ending May 31, 2009. . . “.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE NO.: 68A-6.0024  
 RULE TITLE: Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly.

68A-6.0024 Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee.

(1) It is unlawful to exhibit venomous reptiles to the public without having posted a performance bond as listed below.

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission shall be submitted at the time of initial license application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the performance bond expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury occurs or other damages results from exhibited reptiles.

2. The exhibitor shall fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) In lieu of a surety bond, a person may submit a cash bond to the Florida Fish and Wildlife Conservation Commission to satisfy the performance bond requirement. Such payment shall be in the sum of \$10,000 and may be in the form of cash, cashier's check, or certified check. In the instance of a check, such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the

exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit venomous reptiles.

(c) The performance bond will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury occurs or other damage results from exhibited reptiles and the exhibitor fails to indemnify and save harmless the injured party; or

2. The exhibitor fails to fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

(d) The exhibition of venomous reptiles in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000 is prohibited.

(2) It is unlawful to exhibit Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in paragraph 68A-6.0024(1)(a), F.A.C., above. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury to the public occurs, including accidental death, or other property damage occurs from the exhibited Class I wildlife.

2. The exhibitor shall indemnify and save harmless the Florida Fish and Wildlife Conservation Commission for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of Class I wildlife.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit Class I wildlife.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person exhibiting Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the exhibitor from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance

policy shall be for a duration of not less than the duration of the licensing period. A current Certificate of Insurance evidencing proof of insurance maintained by the exhibitor in such amounts as required by this section, including terms, coverage and expiration date, shall be submitted at the time of initial application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public, including accidental death, or other property damage results from exhibited Class I wildlife and the exhibitor fails to indemnify and save harmless the injured party; or

2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The exhibition of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

PROPOSED EFFECTIVE DATE: February 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.88, 372.92, 372.921 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.92, 372.921 FS. History—New 2-1-08.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.003  
 RULE TITLE: Designation of Endangered Species; Prohibitions; Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.004  
 RULE TITLE: Designation of Threatened Species; Prohibitions; Permits

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly.

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.

1. Crystal darter (*Crystallaria asprella*)
2. Key silverside (*Menidia conchorum*)
3. Loggerhead seaturtle (*Caretta caretta*)
4. Bluetail mole skink (*Eumeces egregius lividus*)
5. Sand skink (*Neoseps reynoldsi*)
6. Key ringneck snake (*Diadophis punctatus acricus*)
7. Rim rock crowned snake (*Tantilla oolitica*)
8. Short-tailed snake (*Stilosoma extenuatum*)
9. Florida brown snake (*Storeria dekayi victa*) (lower keys population only)
10. Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only)
11. Eastern Indigo snake (*Drymarchon corais couperi*)
12. Atlantic salt marsh water snake (*Nerodia clarkii taeniata*)
13. Bald eagle (*Haliaeetus leucocephalus*)
14. Southeastern American kestrel (*Falco sparverius paulus*)
15. Crested caracara (Caracara cheriway)
16. Florida sandhill crane (*Grus canadensis pratensis*)
17. Roseate tern (*Sterna dougalli*)
18. Least tern (*Sterna antillarum*)
19. White-crowned pigeon (*Columba leucocephala*)
20. Florida scrub jay (*Aphelocoma coerulescens*)
21. Snowy plover (*Charadrius alexandrinus*)
22. Piping plover (*Charadrius melodus*)
23. Big Cypress fox squirrel (*Sciurus niger avicennia*)

24. Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)

25. Everglades mink (*Mustela vison evergladensis*)

26. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

(2) The Gopher tortoise (*Gopherus polyphemus*) is hereby declared to be threatened, and shall be afforded the protective provisions specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended 9-29-03,\_\_\_\_\_.

## Section IV Emergency Rules

### DEPARTMENT OF REVENUE

#### Property Tax Administration Program

RULE NO.:	RULE TITLE:
12DER07-09	Disclosure and Certification of Compliance; Option to Prefile Documents

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321, Laws of Florida, authorizes the Department of Revenue to adopt emergency rules that remain in effect for 18 months and that may be renewed. This act further provides that all conditions imposed by Chapter 120, Florida Statutes, are deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321, Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties

an opportunity, to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, counties, municipalities, and independent districts and their associations. The actions that the Department has taken include: requesting the assistance of other state agencies and professional associations in ascertaining if the information in the relevant sections of Chapter 2007-321, Laws of Florida, had been understood; and, establishing a new website on which to post information, forms, and procedures associated with implementation of this act; emailing and/or mailing copies of the draft forms to interested parties; and receiving public comments on the drafts of forms DR-420C, DR-420I, DR-420M, DR-487, DR-487P, and DR-487V.

SUMMARY: Emergency Rule 12DER07-09 (Disclosure and Certification of Compliance; Option to Prefile Documents). This rule adopts and incorporates by reference three maximum millage levy calculation disclosure forms: one for use by counties (Form DR-420C), one for use by municipalities (Form DR-420M), and one for use by independent special districts (Form DR420I). Also, this rule adopts and incorporates by reference two documents used to certify compliance with the provisions of Chapter 200, Florida Statutes: Form DR-487P can be used by a county, a municipality, or an independent special district to prefile the appropriate DR-420C, DR-420M, or DR-420I with the Department of Revenue; if the governing body does not choose the option of prefiling, it must file the appropriate DR-420C, DR-420M, or DR-420I form, along with Form DR-487, with the Department. In addition, the rule adopts and incorporates by reference a form to record the vote of a governing body on its final adoption of its 2007-2008 millage levy.

This rule requires that each taxing authority, other than a school district, must certify to the Department its adoption of an ordinance or resolution levying a millage, as provided in Florida law. The rule explains that a county or municipality, dependent special district of a county or municipality, or any municipal service taxing unit of a county is subject to notification that it is in violation of state law if the total county or municipal property taxes exceed the maximum total county or municipal taxes.

This rule explains the alternative available under the legislation, instead of forfeiture of half-cent sales tax revenues by a county or municipality where total county or municipal property taxes exceed the maximum total county or municipal property taxes. The alternative is for one or more taxing authorities which have their taxes included in the maximum total taxes levied to reduce their millage by an amount that reduces total taxes levied to an amount that no longer exceeds the maximum total taxes levied.

This rule explains that, if a county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county does not remedy the